

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THERAPY PRODUCTS, INC.,)	
d/b/a ERCHONIA MEDICAL,)	
)	
Plaintiff,)	
)	CIV.ACT.NO.3-07CV0381-N
vs.)	
)	
ROMAN CHUBATY, M.D.,)	
MERIDIAN CO., LTD., and)	
AESTHETICMD,)	
)	
Defendants.)	
)	

DEPOSITION OF ROMAN CHUBATY, M.D.

Phoenix, Arizona
August 29, 2007
10:03 a.m.

Reported by:

CARRIE SMALANSKAS, RPR

Certified Reporter

Arizona CR No. 50355

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1 possibly help sell the machine to our existing physician
2 database.

3 Q. And your testimony is that the IRB did not go
4 successfully; is that right?

10:29 5 A. Not that it didn't work. We just -- if that is
6 the word you want to use, I guess, yeah.

7 Q. For whatever reason, the IRB did not result in
8 you going to Mr. Eastman and making that recommendation;
9 is that right?

10:29 10 A. Correct.

11 Q. What did you go -- did you make a recommendation
12 to Mr. Eastman?

13 A. I didn't think that it was holding up to all
14 that it was said to be, and I like to -- if I stand behind
10:29 15 a product, I felt to see more substantial results, so I
16 actually wasn't that happy with what I was seeing.

17 Q. Did you tell Mr. Eastman this?

18 A. Yeah, of course.

19 Q. Did you and Mr. Eastman have a discussion as to
10:30 20 whether to continue any association with Meridian?

21 A. We decided when this lawsuit came about we would
22 stop any association with Meridian until it resolved
23 itself.

24 Q. As a result of the IRB, did you have any
10:30 25 discussions with Mr. Eastman about your conclusions that

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1 discussion with?

2 A. Probably Anna.

3 Q. Did you tell me what her position in the company
4 was?

10:38 5 A. No.

6 Q. Do you know what her position was?

7 A. I believe she is the president.

8 MR. MYERS: Okay. I will pass the witness.

9 MS. VICKERS: Can we take a quick break for me
10:39 10 to look over my notes and decide if I have any questions
11 real quick?

12 MR. MYERS: Sure.

13 (Recess ensued from 10:41 a.m. until 10:47 a.m.)

10:41 14
15 EXAMINATION

16 BY MS. VICKERS:

17 Q. Dr. Chubaty, this is Kelly Vickers. I represent
18 Meridian Co., Ltd. I want to ask you a couple follow-up
19 questions.

10:47 20 I think you stated earlier that -- you said that
21 Meridian Medical is a publicly traded company out of
22 British Columbia?

23 A. Correct.

24 Q. What is your -- the basis for your statement
10:47 25 that Meridian Medical is a publicly traded company?

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1 A. That's what they told me they were.

2 Q. If I say to you or represent to you that
3 Meridian Medical is not a publicly traded company, do you
4 have any reason to dispute that?

10:48 5 MR. MYERS: Objection to the form.

6 THE WITNESS: Well, you know, Anna Brazier
7 always told me they are a publicly-traded company on the
8 OTC or something, and so I guess I would have to dispute
9 that, yes.

10:48 10 Q. BY MS. VICKERS: Have you ever seen any
11 documents that would demonstrate that Meridian Medical is
12 a publicly-traded company?

13 A. I think the way I got to know them was on my
14 e-mails I get these stock alerts and one of them was a
10:48 15 stock alert about this Meridian Medical selling this laser
16 technology.

17 Q. Do you recall whether that stock alert was for
18 Meridian Medical or Meridian Co., Ltd.?

19 A. I think I know where you are going with this.
10:48 20 The company in Canada is a publicly-traded company on the
21 OTC. I think that Anna has a company in the U.S. called
22 Meridian -- whatever you are calling it, that may not be
23 publicly traded, because she told me -- I wasn't really
24 paying much attention to her when I had discussions -- or
10:49 25 like I told you before, she only -- we started doing this

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1 together. She became a friend of mine, her and her
2 husband, and we would socialize, go out for dinner.
3 Because I was in Vancouver for a week, you know, I like to
4 go out with other people, and so she told me about her
10:49 5 company, the stock, the shareholders, plus she said she
6 has something in the U.S. that I wasn't paying attention
7 to, whether that one was publicly traded or not.

8 MS. VICKERS: I will object to the answer as
9 nonresponsive.

10:49 10 Q. BY MS. VICKERS: Are you familiar with Meridian
11 Co., Ltd.?

12 A. No.

13 Q. If I tell you that Meridian Co., Ltd., is a
14 Korean company, do you have any reason to dispute that
10:49 15 statement?

16 MR. MYERS: Object to the form.

17 THE WITNESS: No.

18 Q. BY MS. VICKERS: If I tell you Meridian Co.,
19 Ltd., is the publicly-traded company, do you have any
10:49 20 reason to dispute that other than the conversation with
21 Anna that you discussed previously?

22 A. No.

23 MS. VICKERS: I will pass the witness.

24 MR. MYERS: Okay. We are done.

10:50 25 Thank you, Dr. Chubaty.

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1 THE WITNESS: Okay.

2 MS. NEAL: Off the record.

3 (Proceedings adjourned at 10:50 a.m.)

4

10:50

5

6 (Signature waived.)

7 ROMAN CHUBATY, M.D.

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